III.—GOVERNMENT BILL.

THE MADRAS APPROPRIATION BILL, 1961 (L.A. BILL NO. 6 OF 1961).

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

'That the Madras Appropriation Bill[a], 1961 (L.A. Bill No. 6 of 1961), as passed by the Legislative Assembly, be taken into consideration.

MR. CHAIRMAN: The question is—

'That the Madras Appropriation Bill[a], 1961 (L.A. Bill No. 6 of 1961), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

The Schedule was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

'That the Madras Appropriation Bill, 1961 (L.A. Bill No. 6 of 1961), as passed by the Legislative Assembly, be passed'.

MR. CHAIRMAN: The question is—

'That the Madras Appropriation Bill, 1961 (L.A. Bill No. 6 of 1961), as passed by the Legislative Assembly, be passed'.

The motion was put and carried and the Bill was passed.

IV.—NON-OFFICIAL BUSINESS.

A. BILLS.

(1) THE MADRAS TEACHER PROTECTION BILL, 1960 (L.C. BILL NO. 1 OF 1960).

SRI G. KRISHNAMOORTHY: Sir, I move—

'That the Madras Teacher Protection Bill *, 1960 (L.C. Bill No. 1 of 1960), be taken into consideration.'

SRI MOHAMED RAZA KHAN: I second the motion, Sir.

MR. CHAIRMAN: Motion moved—

'That the Madras Teacher Protection Bill *, 1960 (L.C. Bill No. 1 of 1960), be taken into consideration.'

MR. CHAIRMAN: There is an amendment given notice of by Sri Natarajan. He can move it and get it seconded. We can then take both the motion and the amendment for discussion.

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a Printed as Appendix II on pages 234-236 *infra*.

*Published in Part IV—Section 3 of the *Fort St. George Gazette*, dated 31st August 1960.

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SRI S. NATARAJAN: Sir, I move the amendment standing in my name, namely—

'That the Madras Teacher Protection Bill, 1960 (L.C. Bill No. 1 of 1960) be referred to a select committee consisting of the following members'.

I shall give the names of the Members later.

VIDWAN T. MUTHUKANNAPPAN: I second the amendment, Sir.

*SRI G. KRISHNAMOORTHY: Sir, this is a very simple Bill. It costs the Government nothing. It does not touch on the financial side. But at the same time it is to benefit some 51,484 teachers and their families. We have got 113,000 teachers in our state of whom more than 45 per cent are in institutions called aided institutions. Hon. Members are aware that the institutions in this State are broadly divided into public institutions and private institutions. Public institutions are those that are run by the Government, district boards, municipalities and panchayats. The other institutions are called private or aided institutions. These aided institutions are run by private managements. Fifty-one thousand four hundred and eighty-four teachers are working in these aided institutions. These teachers in the aided institutions would derive a lot of benefit by this measure which is just now before this House. Now the benefits will go a long way in just providing continuity of education and also in improving efficiency in education. As already submitted by me, it costs the Government nothing, but it goes a long way in ensuring continuity in education and also in providing efficiency in education. Hon. Members are aware that the teachers job is quite different from various other jobs. The teacher has to just touch the hearts of the pupils before him and for that work he has to have peace of mind. Peace of mind is impossible if he is not secure in service. So such a great benefit that is to be conferred by one stroke of pen without any cost to the Government is aimed at through this measure.

Now, Sir, I just want to inform hon. Members that this is not a new measure at all. This is a measure to just extend the benefits that are already being enjoyed by the other 55 per cent of the members of the teaching profession in this State. It does not aim at any new benefit in respect of the teachers in general. It aims at the extension of the benefit that is already being enjoyed by 55 per cent of the teachers in this state to the other 45 per cent who are called 'teachers in aided institutions'. The present position of these 51,484 teachers is this. These teachers can be sent away from service any part of the year. They can be sent out of service at any stage of their service. They can be sent out of service when they draw practically the maximum salary, i.e., in their 52nd or 53rd year. Nobody is exception to it in an aided institution, from the elementary school teacher upwards to the aided college principal. Aided colleges from 90 per cent of the colleges in our State. When the teachers draw perhaps the highest salary just two or three years before their retirement they are sent out for no fault of theirs. Should such a state of affairs continue in our State after thirteen years of Swaraj? Our Government have been taking up many plans to improve the educational standards of our boys. I have also to admit that they are undertaking several measures to ameliorate the condition of the teachers. But the greatest amelioration that is needed by teachers in security of service. Anybody

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can draw any salary, even a fat salary, but if he does not have security of service, that salary does not have any meaning. In the case of teachers, they are drawing a meagre salary and even this is not assured when they do not have security of service. Teachers in District Boards and Government institutions have security of service. They cannot be sent away easily. People do commit mistakes. This measure does not want exemption for those who commit mistakes in aided institutions. It does concede that teachers may make mistakes and may have to be punished also. But we want the same procedure that applies to Government teachers and those in local body institutions to be applied to teachers in aided institutions also. Let them be suspended, when they commit mistakes and let them be paid subsistence allowance as in the case of Government servants. Let there be an enquiry; let there be a tribunal for disciplinary proceedings. If the teacher is found fault with, let him be dismissed. Even then, I know, not one in thousand would be sent home. We want the same rules that govern Government school and local body school teachers to govern the service conditions of the aided school teachers also. 'Extension' is the principle of this Bill. Now what happens is this. There is what is called an agreement to govern the service of these teachers. We have not heard of any agreement or any contract in any other department of Government than the Engineering Department. But, wonderfully enough, in the Education Department, we have what is called 'contract' between the teachers and the managements. It may be argued: 'Why should the teacher enter into a contract? Once he enters into a contract, is he not bound by it?'. My point is, why should the Government make this contract applicable to the teacher? But for the contract, there is no way for a teacher to get into an aided school. So, why not the Government straightway give him security of service? Does this measure entail any expenditure on the part of the Government? None. Our point is, once they give security of service to the Government and local body teachers, they should extend the rule to teachers in aided institutions also. These are days of parity. The Pay Commission has recommended parity in salaries. It has put it very clearly that there should be no difference in the scales of pay of teachers of the same qualifications whatever the agencies they might be serving under. Security of service is more important than salary. So, we want parity of service conditions to be observed in respect of aided institution teachers also. Now, Sir, this agreement I have referred to is prescribed in Appendix 28 of the Madras Educational Rules. It says that a teacher can be sent out at any stage of service with three months' notice for certain reasons and without three months' notice for certain other reasons. If it a question of gross insubordination or misbehaviour, he can be sent out without three months' notice. The agreement that is in force is unilateral and not bilateral even though it can be called bilateral in the sense that the teacher is at liberty to leave the institution with three months' notice to the management. But will a teacher leave the school? There is unemployment. He has chosen that profession. The nature of the job is such that once he becomes a teacher, he continues for a number of years as teacher. He does not want to leave the job. There is something in the profession which attracts him. He is dealing with not inanimate objects like files but with living souls, animate things, the future generations and a miniature society. But he can be sent out because of this loophole in the rule this contract provision under

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Appendix 28. The elementary school teacher is no better on account of the fact that the Management has to get the permission of the Deputy Inspector or his approval before terminating the service of the teacher. All that we want is that the teacher should be assured of securiy of service. The teacher when he reaches his 52nd or 53rd year is suddenly sent out. What happens ? He has no job. He has to seek a job somewhere else. What happens to his family meanwhile ? Till he gets another job, he and his family have to starve. Then he accepts a job on a lower salary than what he was getting. There is no rule that says that he must be paid the salary that is entered last in his Service Register, that has recently come into force. The entry in the Service Register should be honoured on re-employment of the teacher; but there is no rule to the effect that a teacher should not be employed on a salary less than what he was already drawing as per the entries in the Service Register. The result is that a teacher has to come down to the minimum. There is a game called 'Sorga Padam' in Tamil. In that game, when the bead comes near the snake, it has to come down to the tail of the snake and start all over again. Such is the position of the aided school teacher. There are not just one or two but 51,484 teachers like that and their families suffer once they are sent out of service. The management has just to find out a reason and that is all. It can send the teacher out. Gross insubordination, neglect of duty or some such thing comes in handy for the management, if it really wants to send a teacher away. Coming to school late is one of the charges commonly mentioned. Even an ordinary tone in reply can be taken to be insubordination. There is also another reason given for which a teacher can be sent away and that is 'any other good cause'. The cause may be good for the management but very, very bad for the teacher and his family. Why should Government delay application of their rules to the aided institution teachers also when it does not entail an expenditure of even one naya Paisa from the coffers of the State ? We know, Sir, what the Government will say. They will point out that there are some safeguards already for the teacher not only in the form of agreement but in the shape of rules passed by them now and then, e.g., that teachers cannot be sent out even if they become superannuated in the middle of a term and so on. Our point is simple. Why not put them on a par with the District Board and the Government teachers ? One may ask: 'Should not the management which is the paymaster have some voice ?'. I say, let them have, by all means, full powers of choice, selection and appointment of teachers. But let them not have any voice in the matter of terminating the services of the teacher. Let it be in accordance with the procedure followed in respect of the local body and Government teachers. It is said that once this is done, insubordination will crop up in aided schools and that school work will not go on. Now I put this question. Does this crop up in other schools and institutions under local bodies and the Government ? If it does, if a teacher does not do his work properly, the head of the institution is there to report the matter to higher authorities. There is no institution without a head. The headmaster is at liberty to report to the management which can take action within the framework of the procedure that is laid down. Now what happens is this. There is some provision saying that the written statement of the teacher should be got if he really wants to submit a statement, that the management should look into it and give an opportunity to the teacher to explain himself. But we know fully well how these things are done especially

in respect of the elementary school teachers. The months of February and March are the months of harvest. Hundreds of teachers are sent away to their homes every year. So much of insecurity prevails and therefore it is not just on the part of the Government to delay by even a day the provision of this security which is the aim of this Bill. In the case of middle and high schools I know of instances where the teachers have been sent away in the middle of the year. If a teacher is sent out like that can he get a job in the middle of the year? He will have to starve. Not only he starves but the members of his family have also to starve. If at all, he gets a job on a lower salary. Such is the security of tenure of teachers. Therefore, I would suggest to the Government to accept this measure. This is only an extension of a measure that already exists for the protection of 55 per cent of the teachers in the State and that is overdue in view of the principle of parity that has come to be recognized by the Government in respect of teachers irrespective of the agency under which they may be serving.

Sir, I wish to conclude with a fervent appeal to the hon. Members to view this measure as a non-party measure and a measure intended for the security of the teachers who are moulding the future citizens and equipping them with the necessary talents to bear he burden of freedom.

I thank you, Mr. Chairman, for giving me this opportunity.

* SRI S. NATARAJAN: Mr. Chairman, Sir, the hon. Member Sri G. Krishnamoorthy has given a very descriptive account of the unsatisfactory nature of the service conditions of teachers. I would like on this occasion to express by thanks to the Government for the many measures they have taken in the past in order to provade a reasonable measure of security of tenure for the teachers. In fact the question of contract was introduced only some years ago. It was later revised. It was made difficult for the aided managements to terminate the services of teachers without proper enquiry and for insufficient reasons. Government have also issued further directives to the District Educational Officers to examine the contract during their inspections and satisfy themselves that the provisions of the contract are properly observed. An appeal has also been provided and in many cases the cases of teachers are fully gone into by the Department and justice is being done. But the fact remains that the number of appeals from the teachers and in some cases from the managements in regard to breach of contract is increasing. In fact during the last four or five years the number has increased to such a large extent that perhaps officers have very little time to attend to their usual work as most of their time is spent on enquiries into the alleged breaches of contract. Therefore the matter requires careful consideration.

Sir, I do admit that the Bill as it is does not put very clearly what is exactly needed, except the principle that teachers should be guaranteed security of tenure and should not be liable to arbitrary dismissals or termination of services. I am sure the Government will accept the principle because all actions of the Government during the last 15 or 20 years have been directed towards ensuring to the teacher a fair measure of security of tenure. Also there is a keen interest and a desire on the part of the Government to see that the teachers work under condition in which they can give of their

best. The revision of the salary scales and the provision of certain amenities are all indicative of the Government's anxiety to do their best for the teachers. I am equally sure that the Government must be deeply concerned about the various alleged breaches of contract resulting in termination of the services of the teachers. One point to which the hon. Minister Sri G. Krishnamoorthy also made reference in this termination of services of the teachers in the middle of the term. This puts the teacher under considerable hardship and even though Government have issued instructions that the new, employer may appoint him on the same salary taking into account his previous experience, the managements are unwilling to give such teachers a high start and they only appoint them on a lawer salary. This causes considerable hardship to the teacher It is to protect the teacher from such treatment and ensure to the teacher a fair measure of security that this Bill is sought to be introduced. In order that the Bill may be put in proper shape and the principle referred to by the hon. Member may be given effect 1 mbove that this Bill be referred to a Select Committee. The Bill need not be rejected on the score that it has not been properly drafted. The principle contained in it is something vital to the cause of education and I therefore appeal to hon. Members to support my amendment to refer the Bill to a Select Committee which can put the Bill in propepr shape. I am sure the Government will accept this and ensure to the teachers that measure of security of tenure which they are keen that the teacher should have. Therefore I move—

"That the Madras Teacher Protection Bill, 1960 (L.C. Bill No. 1 of 1960), be referred to a Select Committee consisting of the following members:—

1. The Hon. Sri C. Subramaniam.
2. Sri G. Krishnamoorthy.
3. Sri T. P. Srinivasavaradan.
4. Vidwan T. Muthukannappan.
5. Sri S. Natarajan."

SRI K. BALASUBRAMANYA AYYAR: Sir, in whatever role I speak, I will be understood to speak for the managements because I am connected with the managements of schools. I am one of those who believe that there should be security for the teachers. In one of the schools with which I am connected most of the teachers have served for forty or forty-five years. The Headmaster of that school retired recently after serving the school for 40 or 45 years. Therefore I think I have proved my conduct by being in a management which has given security of tenure to teachers.

Sir, the question is not only giving security of tenure to teachers. This is a Bill. A Bill has to be looked at from many points of view. While we are fully in sympathy with the objects of this Bill, the implementation of the objects of the Bill, as it is drafted will give rise to many difficulties. For instance we cannot put aided institutions on a par with Government institutions. The teachers are the employees of the aided institutions and therefore they should be governed by some contracts. Contracts cannot be abolished altogether. Therefore so far as the legal portion of it is concerned this is an independent body and the relations of its employees have to be regulated by contracts. In this respect the Government are in a better position.

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And the Government servants are also in a better position. They have Fundamental rules and the other rules. If wethink that contracts could be abolished by this Bill, I am afraid that is a position which I cannot support. There should be contracts. But the question is how far they should protect the teachers and safeguard their rights. Undoubtedly I am for regulation of these things but you cannot abolish contracts entirely. Government will have sufficient funds for their institutions. But the aided institutions will have to depend on so many things for running the schools. Even a small faction in the management may put an end to the school itself. These are matters about which nobobdy can be sure. So far as the employees of the managements are concerned, it should be regulated by contracts between parties. Regarding provision of giving notice in case of termination of services of teachers, the teacher can give three months, notice and leave the service and the management will give the same notice and terminate the services of the teacher. But in this regard the teachers are under a greater disability than the managements. When the teachers is sent out he may suffer for want of another employment. But it is not the case with the management. These are matters which can be considered.

Another difficulty I have is the enforcement of rules. Clause 2 of the Bill says: '—under the rules in force in respect of teachers in Government institutions'. This is vague. We do not know what the rules are that are to be taken over and applied to teachers in the management schools. Again the rules framed by Government might be changed from time to time. When the rules are changed by the Government, these rules have also to be changed. If you want to enact a Law you must have a self-contained Act. You cannot say 'rules in force in respect of teachers in the Government institutions'. This is vague, uncertain and changing. Therefore legally it is not proper to put it like that in a statute. Sir, I may also state this. Many teachers have taken advantage of the three months' notice. From my own experience I can say that institutions have also found it difficult to make suitable arrangements when teachers went out in the middle of a term. We are not sorry on that account. The teachers may have better prospects elsewhere and therefore they go. It is a matter purely of economic and other considerations. This has to be carefully gone into. I understand that the Government also are thinking about the protection to be given to the teachers. While we appreciate the object of the Bill and the need for giving security of service to the teachers, this Bill will not completely satisfy their requirements and a'so will not effectively implement what it seeks to. This is my point. What the Mover of the Bill wants to implement has to be implemented in an active manner. I should think that we can leave it to the Government, because they know the objective position. They know their institutions. They are dealing with elementary and secondary schools. They are also giving grants. Therefore, they are vitally interested in the proper working of these institutions. I should think that it is best for all the teachers concerned and the managements to leave this matter to the State Government. This is a matter in which I think we should be guided more by the regulations of the State, than by any Bill that we may introduce partially. We must leave the matter in the hands of the Government. To say that whatever rules are in force in the

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case of the Government institutions should also be applicabble to the aided institutions, will not fulfil all the requirements of teachers. The finances and resources of private institutions are all quite different. Even in the case of Government institutions, after 1955, this three months' notice is there. These are all matters to be taken into consideration. I think it would be well on our part to leave this particular matter in the hands of the Government and to see that they bring in a Bill to regulate the whole position with reference to teachers. It is better that we leave this matter with the Government. They are in a majority and they will pass the Bill that they bring forward, and we may hope that that Bill will be all right. Therefore, we may leave the matter to the Government instead of attempting to do it in a half-hearted way like this.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I am afraid I have to oppose this Bill not because I am not in sympathy with the objectives of the Bill. But I do not think, as was pointed out by Sri Balasubramanya Ayyar, that this Bill will provide for security of service to the teachers which Sri Krishnamoorthy wants. Sir, I may inform the House that this matter is engaging the attention of the Government and a Bill also is getting ready with reference to secondary education, in which the position of the teachers in aided secondary schools will be taken into consideration, and sufficient safeguards given in respect of the teachers. The same principle would apply to elementary school teachers also. Sir, in this matter what is needed more is goodwill between the managements and the teachers. If this is lost, then the quality of teaching and the standards of education are bound to deteriorate. Therefore, it should always be our effort to see that there is goodwill and understanding between the managements and the teachers, and we should do everything to promote that understanding between the two. I do realize that there are managements which do not play fair as far as the teachers are concerned. At the same time there are teachers also who sometimes misbehave, and perhaps bring discredit to the profession itself. Therefore, we have to take into consideration all these aspects, and we have to provide a law or we should provide rules so that both these aspects would be kept in mind and proper safeguards provided both for the good managements and good teachers. So, I would respectfully submit that the Bill, as it is drafted, whatever might be the changes that may be made by the select committee—after all the select committee cannot go beyond the scope of the Bill—cannot be accepted by any House and the implementation of this measure will lead to any amount of difficulties. Therefore, I would request the hon. Member to withdraw this Bill at this stage and leave it to the Government to bring forward a more comprehensive Bill dealing with the various aspects of the managements and the teachers. The Government and the Education Department have to play a large part in this matter. I can assure Sri Krishnamoorthy that if such a Bill is brought before this House, he will derive much greater satisfaction than he would if he ppressed this Bill and got it through. Therefore, I would humbly submit that this is a case where he has brought to the notice of the House a certain matter about which the Government are already taking action. Perhaps he wants that to be hastened. If that is the intention, I can assure him that I shall do my best to see that the Bill is ready as quickly as possible and brought before this House. I am sure that at that time

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Sri Krishnamoorthy will have ample opportunities to put forward his points of view if he happens to disagree with any of the provisions of that Bill. I can assure him that any representation which he may make or any other member representing the teaching profession may make will get the fullest consideration at the hands of Government. That is all I have to say, Sir, on this.

* SRI G. KRISHNAMOORTHY: Sir, with reference to the suggestion of the hon. Member Sri S. Natarajan that it should be referred to a select committee, I have no objection. It may be referred to a select committee. With reference to the suggestion of the hon. the Deputy Leader of the Opposition, I would submit that this is something like a referential legislation, where we refer to some other rules or legislation. So I have just stated that all the rules applicable to Government servants should be applicable to teachers in aided institutions. Of course there may be 0.001 per cent of teachers who would have got the benefit of the three months' notice and left certain institutions with a view to just improving their prospects. There can be no objection to managements as they will have the power of appointing teachers and as by continuity of teachers in service, the tradition of the managements would improve. With regard to the Hon. Minister's statement, I quite fully agree, and I even mentioned in my speech at the outset that the Government had come to appreciate the difficulties of the teachers and were just doing something, though that might not be to the entire satisfaction of the teachers. I do know that the Secondary Education Act and the Elementary Education Act will have some provision in regard to the security of service of teachers. But so far as the first list of the recommendations is concerned, the teachers are not satisfied as there is only a clause saying that the recognition of an aided institution may be withdrawn if there is to be victimisation of teachers. Victimisation, as such, is a vague term. It cannot provide security for teachers. The Hon. Minister himself knows that the Government's orders to certain management to reinstate the teachers or to pay them arrears of salary, have not met with much success. The managements are just trying to evade. It is because there is not that legal hold that is necessary. Therefore some statute is necessary to have that legal hold on them. The Hon. Minister knows that even now some cases are pending in the Secretariate, and the families of the concerned teachers are starving. So, my request to the Hon. Minister for Education is that there shuld be a provision in the Statute Book regarding Elementary and Secondary Education to the effect that the security of service of teachers is guaranteed. The Hon. Minister's statement that teachers also may misbehave can be applied to any profession. There must be cases of misbehaviour even in respect of local board and Government teachers. The question is how they are dealt with. Similarly, teachers in aided institutions also can be dealt with. The managements can be given power of selection, choice and appointment of teachers, but not meddling with the service of teachers. I appreciate the Hon. Minister's statement that he would undertake certain measures whereby the teachers' interests would be safeguarded. If he is prepared to give an assurance that these teachers would be given security of service on a par with teachers in local board institutions and Government institutions, I will withdraw my Bill. Otherwise, there is no point

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because the provisions that are embodied in the present rules give some sort of a room for teachers to be sent out. There should be provision for the misbehaving teacher to be suspended, paid subsistence allowance during suspension and proceeded against by a Tribunal for disciplinary proceedings. I concede teachers that commit mistakes ought to be punished but there must be a law common to all teachers. The managements must get used to some sort of a tradition that teachers will continue in service till retirement and if the Hon. Minister will give an assurance that aided school teachers will be treated on a par with oter teachers, I will withdraw my Bill.

THE HON. SRI C. SUBRAMANIAM: I am afraid, the hon. Member is taking an impossible attitude, if I may say so. I do not want to prejudge the issue. Therefore, the hon. Member may leave it to the Government to consider the proposal. He has put forward his views and I agree that these teachers can be put on a par with Government teachers. But I cannot give an assurance that it will be positively done. The matter will be examined. I agree that security of service is very important for teachers and Government attach very great importance to this. Whether it should be done on the basis suggested by the hon. Member or on some other basis is a matter for consideration. Therefore, I would request the hon. Member not to insist on an assurance. It may be necessary to show some consideration to the private employers of teachers and, therefore, it cannot be purely on a par with Government servants or local body teachers. I may give this assurance that the Government attach very great importance to security of service and that they are anxious to ensure it, subject to certain conditions. Therefore, I do not think that the hon. Member is justified in insisting on an assurance from the Government that the provisions of this Bill would be automatically embodied in the Government Bill. I suppose he will be satisfied with this assurance. He can always take it that the interests of teachers are quite safe in the hands of the Government, much more safe than in the hands of the hon. Member.

MR. CHAIRMAN: Is Mr. Natarajan withdrawing his amendment?

SRI S. NATARAJAN: I am withdrawing my amendment in view of the assurance of the Hon. Minister.

The amendment was, by leave, withdrawn.

MR. CHAIRMAN: Is Mr. Krishnamoorthy pressing his motion?

SRI G. KRISHNAMOORTHI: In view of the assurance given by the Hon. Minister in his second statement I withdraw my Bill, especially because it was stated that the Government attached very great importance to the question of security of service and that they proposed to do something about it.

The motion was, by leave, withdrawn.